

3923. Adulteration and misbranding of so-called scuppernong wine. U. S. v. S. Hirsch Distilling Co. (Minuet Cordial Co.) Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5226. I. S. No. 18161-d.)

On March 31, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. Hirsch Distilling Co., a corporation, Kansas City, Mo., doing business under the name of Minuet Cordial Co., and using said name, Minuet Cordial Co., as a trade name, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 25, 1912, from the State of Missouri into the State of Arizona, of a quantity of so-called "Very fine Scuppernong Wine" which was adulterated and misbranded. The product was labeled: "From Minuet Cordial Co., Distillers of High Grade Cordials, 415-417 Delaware St., Kansas City, Mo. C. E. Patty, Phoenix, Ariz. Very Fine Guaranteed XXX Serial No. 5897-A Scuppernong Wine Refrigerator 25 Gals. Scuppernong Refrigerator."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Chlorin (grams per 100 cc).....	0.0050
Specific gravity.....	1.0270
Alcohol (per cent by volume).....	18.85
Solids (grams per 100 cc).....	12.90
Nonsugar solids (grams per 100 cc).....	2.50
Reducing sugar (grams per 100 cc).....	10.40
Sucrose by Clerget.....	0.0
Polarization, undiluted, direct (°V.).....	-22.8
Polarization, undiluted, invert (°V.).....	-22.4
Polarization, undiluted, invert at 87° C. (°V.).....	- 8.0
Ash (grams per 100 cc).....	0.304
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	22.0
Alkalinity of insoluble ash (cc N/10 acid per 100 cc).....	6.8
Acid as tartaric (grams per 100 cc).....	0.443
Volatile acid as acetic (grams per 100 cc).....	0.074
Fixed acid as tartaric (grams per 100 cc).....	0.350
Total tartaric acid (grams per 100 cc).....	0.098
Cream of tartar (grams per 100 cc).....	0.122

Adulteration of the product was alleged in the information for the reason that it was stated on the label upon the cask that the contents thereof was very fine scuppernong wine, [whereas], in truth and in fact, a certain substance, namely, a wine of the sherry type, had been substituted wholly or in part for the genuine article, namely, scuppernong wine. Misbranding was alleged for the reason that the statement borne on the label upon the cask, to wit, "Very fine Scuppernong Wine," was false and misleading because it misled and deceived the purchaser into the belief that the product was genuine scuppernong wine, whereas, in truth and in fact, it was not scuppernong wine, but a wine of the sherry type.

On November 4, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1915.